

Robert T. Szyba
SEYFARTH SHAW LLP
620 Eighth Avenue, 32nd Floor
New York, New York 10018
(212) 218-5500
*Attorneys for Defendants Wayfair LLC,
Dan Hudson, Max Uniman, Shellie Weber,
Linder Herzstein, Tom Mitchell,
Luis Rodriguez, Gerrod Smith, & Donald Lovill*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JOHN MOSES,

Plaintiff,

v.

WAYFAIR LLC., DIRECTOR DAN
HUDSON, TALENT MANAGER:
MAX UNIMAN, HUMAN
RESOURCE MANAGER: SHELLIE
WEBER, HUMAN RESOURCE REP.:
LINDA, 1st Shift RECEIVING
SUPERVISOR: TOM, 2nd Shift
RECEIVING SUPERVISOR: LUIS
RODIGUEZ, 2nd Shift RECEIVING
SUPERVISOR: CHRISTOPHER
KEATS, 2nd SHIFT BULK
MANAGER: GERROD SMITH, 2nd
SHIFT BULK MANAGER: DONALD
LOVILL, ALL OTHER JOHN DOES -
100,

Defendants.

Case No. 3:20-cv-05278-RK-DEA

Hon. Robert Kirsch, U.S.D.J.

Hon. Douglas E. Arpert, U.S.M.J.

**ORAL ARGUMENT
REQUESTED**

**MOTION RETURN DATE:
APRIL 1, 2024**

DEFENDANTS' NOTICE OF MOTION FOR SUMMARY JUDGMENT¹

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Robert T. Szyba, together with Exhibits 1 through 6 annexed thereto; Declaration of Shellie Weber, together with Exhibits 1 through 16 annexed thereto; Declaration of Dan Hudson; Defendants' Memorandum of Law in Support of its Motion for Summary Judgment; Defendants' Local Civil Rule 56.1(a) Statement of Undisputed Material Facts; and upon all of the papers and proceedings herein, Defendants Wayfair LLC, Dan Hudson, Max Uniman, Shellie Weber, Linda Herzstein, Tom Mitchell, Luis Rodriguez, Gerrod Smith, and Donald Lovill ("Defendants"), by and through its undersigned counsel, Seyfarth Shaw LLP, will move this Court before the Honorable Robert Kirsch, U.S.D.J., at the Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, New Jersey 08608, for an Order: (i) granting Defendants' motion for summary judgment on Plaintiff's First Amended Complaint in its entirety pursuant to Rule 56 of the Federal Rules of Civil Procedure and with prejudice; and (ii) for such other and further relief as the Court may deem just and proper.

¹ This Motion is brought on behalf of all named defendants except Christopher Keats, who is not represented by Seyfarth Shaw LLP. Unless otherwise indicated, the term "Defendants" as used herein refers to Wayfair LLC and all individually named defendants except Christopher Keats.

PLEASE TAKE FURTHER NOTICE that Defendants respectfully request oral argument on this motion at a time and date convenient to the Court.

Dated: March 1, 2024

Respectfully submitted,

SEYFARTH SHAW, LLP

By: /s/ Robert T. Szyba

Robert T. Szyba

rszyba@seyfarth.com

620 Eighth Avenue, 32nd Floor

New York, New York 10018

Telephone: (212) 218-5500

Facsimile: (212) 218-5526

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on March 1, 2024, I electronically filed the foregoing NOTICE OF MOTION FOR SUMMARY JUDGMENT; DECLARATION OF ROBERT T. SZYBA, WITH EXHIBITS 1 THROUGH 6 ANNEXED THERETO; DECLARATION OF SHELLIE WEBER, TOGETHER WITH EXHIBITS 1 THROUGH 16 ANNEXED THERETO; DECLARATION OF DAN HUDSON; DEFENDANTS' MEMORANDUM OF LAW IN SUPPORT; DEFENDANTS' LOCAL CIVIL RULE 56.1(A) STATEMENT OF UNDISPUTED MATERIAL FACTS; AND PROPOSED ORDER, with the Clerk of the District Court using the CM/ECF system, and served a true and correct copy of said filing via FedEx and email to Plaintiff, John Moses, at:

John Moses
844 Carteret Avenue
Trenton, New Jersey 08618
johnm22267@gmail.com

/s/ Robert T. Szyba
Robert T. Szyba

Dated: March 1, 2024